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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/713,250      | 11/16/2000  | Juniichi Yoshizawa   | 04329.2458          | 2848             |

22852 7590 06/17/2004

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| EXAMINER |
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CRAVER, CHARLES R

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| ART UNIT | PAPER NUMBER |
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2682

DATE MAILED: 06/17/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/713,250

Applicant(s)

YOSHIZAWA, JUNIICHI

Examiner

Charles R Craver

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-20 and 30 is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7,8,10,21,22,24,25,27 and 29 is/are rejected.
- 7) ☒ Claim(s) 3,6,9,11,23,26 and 28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 5, 7, 8, 10, 21, 22, 24, 25, 27 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Morris, US Pat 6,654,614.

**Claim 1:** Morris discloses a communication system (FIGS 2 and 3) having a first device and a second device for communicating with the first device via a wireless link (col 3 lines 18-30), the first device including

means for searching the second device by creating a notification (page) message which is broadcast at maximum set power (highest set range) by a means (reads setting means), and means for causing the first device to transmit the message according to said range (col 4 lines 22-46), the second device including means for receiving the message and means for responding to the message so as to set the wireless link (col 5 lines 10-22). The page message is read by the examiner as searching the other device since a communications channel would not have been set up yet.

**Claim 2:** the range set by Morris is a range within which the first device can communicate, and is read as a distance from the first device.

**Claim 4:** claim 4 discloses the inherent method provided by the system of claim 1, and as such is rejected for the same reasoning set forth above.

**Claim 5:** the range set by Morris is a range within which the first device can communicate, and is read as a distance from the first device.

**Claim 7:** Morris discloses a communication system (FIGS 2 and 3) having a first device and a second device for communicating with the first device via a wireless link (col 3 lines 18-30), the first device including

means for searching the second device by creating a notification (page) message which is broadcast at maximum set power (highest set range) by a means (reads setting means), and means for causing the first device to transmit the message according to said range (col 4 lines 22-46).

**Claim 8:** the range set by Morris is a range within which the first device can communicate, and is read as a distance from the first device. Further, the transmission means would inherently transmit according to a power value corresponding to said range, or distance.

**Claim 10:** Morris further discloses that the communicating means may further set a time for which transmission of the find message will continue, and terminates transmission of the message after said time (FIG 5A).

**Claims 21 and 24:** Morris discloses a communication system (FIGS 2 and 3) having a first device and a second device for communicating with the first device via a wireless link (col 12 lines 1-18 and 43-67), the first device including means for searching the second device by creating a notification (page) message which is broadcast at maximum set power (highest set range), said range including other devices, by a means (reads setting means), and means for causing the first device to transmit the message according to said range (col 4 lines 22-46), and means for transmitting said message by a low-power outputting section (col 3 line 50-col 4 line 21) to a range in which the other devices are not included, the second device including means for receiving the message and means for responding to the message so as to set the wireless link (col 5 lines 10-22). The page message is read by the examiner as searching the other device since a communications channel would not have been set up yet.

**Claims 22 and 25:** the range set by Morris is a range within which the first device can communicate, and is read as a distance from the first device.

**Claim 27** is the inherently method performed by the apparatus of claim 21 and as such is rejected for the same reasoning set forth above.

**Claim 29:** Morris discloses a communication system (FIGS 2 and 3) having a first device and a second device for communicating with the first device via a wireless link (col 3 lines 18-30), the first device including

means for searching the second device by creating a notification (page) message which is broadcast at maximum set power among different powers (highest set range)

by a means (reads variable setting means), and means for causing the first device to transmit the message according to said range (col 4 lines 22-46), the second device including means for receiving the message and means for responding to the message so as to set the wireless link (col 5 lines 10-22). The page message is read by the examiner as searching the other device since a communications channel would not have been set up yet.

***Allowable Subject Matter***

Claims 12-20 and 30 are allowed.

Claims 3, 6, 9, 11, 23, 26 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 3, 6, 9, 12, 16, 17, 23, 26 and 28 teach towards an apparatus and method for searching a second device at a first device wherein the first device may transmit a search message and the second device may receive and reply to the message, wherein the first device may set the range of the message by a setting means which may set a range of the message and a directivity of the message. Claim 11 teaches towards an apparatus and method for searching a second device at a first device wherein the first device may transmit a search message and the second device may receive and reply to the message, wherein the first device may set the range of the message by a setting

means which may set a range of the message and further display information acquired by the response message every time it is received, and to terminate transmission of the message via the input of a termination message. Claim 30 teaches towards an apparatus and method for searching a second device at a first device wherein the first device may transmit a search message and the second device may receive and reply to the message, wherein the first device may set the range of the message by a setting means which may set a range of the message, wherein the range may be user-designated.

### ***Response to Arguments***

Applicant's arguments filed 4-1-04 have been fully considered but they are moot in view of the new grounds of rejection.

### ***Conclusion***

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**Or faxed to:**

(703) 872-9314 for both formal and informal/draft communications, labeled as such.

Hand delivered responses should be brought to Crystal Park II, 2121  
Crystal Drive, Arlington VA, sixth floor (receptionist).

Art Unit: 2682

Any inquiry concerning this or earlier communications from the examiner should be directed to examiner Charles Craver at (703) 305-3965.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Vivian Chin, can be reached at (703) 308-6739.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 305-4700.

CC

C.Craver

June 14, 2004

*W M 6-14-04*  
CHARLES CRAVER  
PATENT EXAMINER